

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

KERN COUNTY SUPERINTENDENT OF  
SCHOOLS.

OAH Case No. 2016040211

ORDER GRANTING CHANGE OF  
VENUE

On March 30, 2016, the Student filed a request for due process hearing (complaint) naming Kern County Superintendent of Schools. The Office of Administrative Hearings originally noticed the hearing at the Superintendent's office in Bakersfield.

On May 4, 2016, District requested to move the hearing to Tehachapi, California, where Student resides. Student's prehearing conference statement of May 24, 2016, objected to moving the hearing to Tehachapi and request the hearing be in either Bakersfield or OAH's office in Van Nuys, California. Based on information provided by Student's and Superintendent's attorneys, Administrative Law Judge Caroline Zuk at the May 27, 2016 prehearing conference ordered a change in venue Van Nuys. During the prehearing conference, Superintendent requested an opportunity to research appropriate Bakersfield locations based on the new due process hearing dates in this case and to file a motion to change venue.

On June 3, 2016, Superintendent filed a motion to change venue for the due process hearing to Valley Oaks Charter School, 3501 Chester Avenue, Bakersfield, California, a location that is approximately a 10 minute drive from the Superintendent's offices. On June 7, 2016, Superintendent filed appropriate certification of Americans with Disabilities Act compliance for the request location.

Education Code section 56505, subdivision (b), provides that a special education due process hearing "shall be held at a time and place reasonably convenient to the parent or guardian and the pupil."

Here, there is no indication that the change in location will cause any inconvenience to Student or her family based on Student's request that the hearing be either in Bakersfield or Van Nuys. Therefore, Superintendent's motion is therefore granted. The mediation and hearing location shall now be: Valley Oaks Charter School, 3501 Chester Avenue, Bakersfield, California 93301. Further, prior to the beginning of the hearing, Superintendent

shall ensure that the hearing room is configured into a courtroom setting and shall have at a minimum (1) a table for Student and her representatives; (2) a table for Superintendent's legal representative and special education representative; (3) a table for the witness; and (4) a table for the ALJ, near an electrical outlet. Superintendent shall provide drinking water and tissue to all parties, witnesses and the ALJ. The same hearing room shall be used for each day of hearing and shall be available at least one hour prior to the commencement of the hearing each day. The hearing room shall be locked following the hearing each night.

IT IS SO ORDERED.

DATE: June 7, 2016

DocuSigned by:  
*Peter Paul Castillo*  
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PETER PAUL CASTILLO  
Presiding Administrative Law Judge  
Office of Administrative Hearings